

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DARCY CORBITT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 2:18-cv-91-MHT-GMB
)	
HAL TAYLOR, <i>et al.</i> ,)	
)	
Defendants.)	

PLAINTIFFS' UNOPPOSED MOTION TO EXPEDITE DECISION

Plaintiffs respectfully move this Court to expedite its final decision in this action. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed their initial Complaint on February 6, 2018. Doc. No. 1.
2. The Parties conducted discovery, culminating in cross-motions for summary judgment and evidentiary submissions. *See generally* Doc. Nos. 46–62.
3. At oral argument on July 30, 2019, the Parties agreed to submit the case on the record. *See* Doc. No. 69 at 1. The Court denied the Parties' motions for summary judgment and reserved the decision of "whether to decide the case on the paper record or to hold a trial as to some or all issues." *Id.*
4. On September 3, 2020, the Court requested supplemental briefing on, among other issues, whether the Court should "hold a hearing to determine whether the defendants' interest in law enforcement identification is 'hypothesized or invented post hoc in response to litigation.'" Doc. No. 81 at 2.
5. Both Parties agreed that no hearing is necessary for this Court to render its final judgment. *See* Doc. Nos. 82 at 7; 83 at 5.

6. An expedited resolution to this case is warranted for two reasons. First, the Parties agree that no further evidence is necessary before this Court can make its decision.

7. Second, without a final decision, Plaintiff Darcy Corbitt's North Dakota driver's license—originally set to expire on May 11, 2020—will expire on Wednesday, September 30. *See* N.D. Dep't of Transp., *Driver License*, <http://www.dot.nd.gov/divisions/driverslicense/driver.htm> (last visited Sept. 25, 2020) (per an August 10, 2020 executive order regarding the COVID-19 pandemic, "[l]icenses which expired in March, April, May must be renewed by September 30, 2020").

8. Ms. Corbitt and her counsel previously believed that Ms. Corbitt would be able to renew her North Dakota driver's license prior to the September 30 deadline, and only learned on Tuesday, September 22, that she is unable satisfy the renewal requirements.

9. Without a valid driver's license, Ms. Corbitt will experience irreparable harm by being unable to drive to work, school, and medical appointments. *See* Corbitt Decl. ¶¶ 9–10. Particularly during the COVID-19 pandemic, ridesharing or being driven by family or friends is not only prohibitively expensive and impractical, but also possibly dangerous.

10. Defendants' counsel submitted to Plaintiffs' counsel that they are not in a position to provide Ms. Corbitt with a temporary or provisional Alabama driver's license listing her as female in the absence of a ruling from this Court. However, should the Court rule in Plaintiffs' favor, Defendants represent that they will issue Plaintiffs driver's licenses with female gender markers without delay, regardless of Defendants' decision about appeal.

11. Given the recently discovered barriers to Ms. Corbitt renewing her out-of-state license and the irreparable harm she will face if her driver's license expires, Plaintiffs respectfully request that the Court expedite its final judgment.

12. Plaintiffs' counsel conferred with Defendants' counsel and Defendants do not oppose this Motion insofar as it seeks to expedite the final decision in this action.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court expedite its final decision in this action.

Respectfully submitted this the 28th day of September 2020.

s/ Gabriel Arkles

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***Counsel for Plaintiffs Darcy Corbitt, Destiny Clark, and
Jane Doe***

CERTIFICATE OF SERVICE

I certify that on September 28, 2020, I filed the foregoing electronically using the Court's CM/ECF system, which will serve all counsel of record.

s/ Randall C. Marshall